

the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions

For purposes of this section—

(1) the term “officer” includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term “member” includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93–245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554, and was repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–186, § 221(10), substituted “Chief Administrative Officer” for “Clerk”.

Subsec. (d). Pub. L. 104–186, § 221(11)(A), substituted “House Oversight” for “House Administration”.

Subsec. (g). Pub. L. 104–186, § 221(11)(B), struck out subsec. (g) which read as follows: “There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.”

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after

July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, “Salaries, Officers and Employees” for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 130; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 5, Aug. 13, 1974, 88 Stat. 430.)

AMENDMENTS

1974—Pub. L. 93–371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93–145 inserted “inspectors,” before “captains”.

§ 207. Payment of Capitol Police

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them.

(R.S. § 1822.)

CODIFICATION

Provisions of R.S. § 1822 relating to composition and pay rates of the Capitol police were omitted as obsolete and superseded.

R.S. § 1822 derived from acts Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11; Mar. 3, 1871, ch. 113, § 1, 16 Stat. 477.

CROSS REFERENCES

Pay during suspension, see section 209 of this title.

§ 207a. Unified payroll administration for Capitol Police

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, §9C, as added Pub. L. 102-397, title I, §102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104-186, title II, §221(12), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 104 of Pub. L. 102-397, as amended by Pub. L. 102-392, title III, §321, Oct. 6, 1992, 106 Stat. 1726, provided that: “The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.”

[Section 321 of Pub. L. 102-392 provided that the amendment made by that section to section 104 of Pub. L. 102-397, set out above, is effective Oct. 6, 1992.]

LUMP-SUM PAYMENT

Title II of Pub. L. 102-397 provided that:

“SEC. 201. DEFINITIONS.

“For the purpose of this title—

“(1) the term ‘officer’ includes all personnel of the rank of lieutenant or higher, including inspector;

“(2) the term ‘member’ includes all personnel below the rank of lieutenant, including detectives; and

“(3) the term ‘Clerk of the House of Representatives’ or ‘Clerk’ includes a successor in function to the Clerk.

“SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

“An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title [Oct. 6, 1992] and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

“SEC. 203. PROCEDURES.

“(a) IN GENERAL.—A payment under this title shall be paid—

“(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

“(A) by the Clerk;

“(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

“(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

“(A) by the Secretary of the Senate;

“(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

“(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

“(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

“(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

“(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

“(e) CLARIFICATION.—For purposes of this title, the terms ‘officer’ and ‘member’ may not be construed to include any civilian employee.”

§ 207b. Establishment by Capitol Police Board of unified schedules of rates of basic pay and leave system; lump sum payments

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;